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BEFORE THE STATE ADMINISTRATIVE TRIBUNAL
RAIPUR BENCH, RAIPUR

O.A. NO. OF 2002

VINOD MASIH ASHER Son of Late Asher, aged about 60 years, H.No. 15/203, Dak Bungalow Ward, Dhamtari

APPLICANT

VERSUS

1. THE STATE of M.P., Through THE SECRETARY, Finance Department, Govt. of M.P. Vallabh Bhawan, Bhopal (M.P.)

2. THE STATE of CHHATTISGARH, Through THE SECRETARY, Finance Department, Govt. of C.G. Mantralaya, Raipur (C.G.)

3. THE DIRECTOR, Treasuries and Accounts, Maharana Pratap Nagar, Bhopal (M.P.)

4. THE DIRECTOR, Treasuries, Accounts and Pensions, Raipur (C.G.)

5. THE TREASURY OFFICER, District Treasury, Dhamtari (C.G.)

NON-APPLICANTS

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

HIGH COURT OF CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI SATISH K. AGNIHOTRI, J

WRIT PETITION (S) NO. 4476 OF 2005

Petitioner **Vinod Masih Asher**

Versus

Respondents **The State of M.P. & Others**

Present :- Shri P.P. Sahu, counsel for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State of Chhattisgarh.

ORAL ORDER
(Passed on 28th July, 2006)

The petitioner was working as Treasury Officer, Department of Finance, Government of undivided State of Madhya Pradesh. The petitioner retired voluntarily on 31-7-2000.

(2) According to the petitioner, he was entitled to grant of pension within a period of six months, but the respondent authorities have delayed in making payment of pension. The first retiral benefit i.e. Family Benefit Fund and Group Insurance Fund was paid to him on 12-11-2001. The other pensionary benefits were paid on 4-3-2004 & 22-7-2004. The petitioner in this petition is claiming interest on the delayed payment of retiral benefits.

(3) Learned counsel appearing for the State submits that there was a departmental enquiry, which was concluded though within three months but the petitioner is not entitled to any interest on the delayed payment of retiral benefits because of departmental enquiry.

(4) Having heard learned counsel for the parties and perused the records, it is evident that the departmental enquiry was pending for three months only and the respondent has delayed payment of retiral benefits for about four years. The petitioner is entitled to interest on the delayed payment of retiral dues. The Supreme Court in the case of **Vijay L. Mehrotra Vs. State of U.P. and others (2001) 9 SCC 687**, relied on by learned counsel appearing for the petitioner, held that "*in case of an employee retiring after having rendered service, it is expected that all the payment of the retiral benefits should be paid on the date of retirement or soon thereafter if for some unforeseen circumstances the payments could not be made on the date of retirement.*" The Supreme Court for delayed payment directed interest at the rate of 18 per cent with effect from the date of retirement. In the present case on hand though special circumstances of pendency of departmental enquiry exists, but that has not taken more than three months. It is, therefore, desirable in the interest of justice that the petitioner be paid interest at the rate of 6 per cent from the date of retirement till date of payment of retiral benefits, keeping in view of the Bank interest prevalent at that point of time. The interest is payable within a period of three months from the date of receipt/production of a copy of this order.

(5) The petition is accordingly allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

GOWRI